

Received at: 2:56PM, 11/17/2005

11/17/2005 14:07 2136241923

BERGER, MICHELENA &

PAGE 02

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FILED

NOV 18 2005

CLETA, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY
 DEPUTY CLERK

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
 vs.
 OGANNES BABELYAN

Case/docket No. 2:04CR00414-01

JOINT REPORT AND STIPULATION RE:
 CONTINUANCE OF DEFENDANT'S CUSTODIAL
 SURRENDER DATE

Sentence date: 09/23/05
 Surrender date: 10/18/05
 Requested
 continued
 date : 12/02/05 (2:00 p.m.)

HONORABLE EDWARD J. GARCIA,
 Senior United States Judge,
 Judge Presiding

PURSUANT TO THE COURT'S ORDER of on or about September 23,
 2005, plaintiff UNITED STATES OF AMERICA, by and through it's
 counsel of record, assistant UNITED STATES ATTORNEY DANIEL S.
 LINHARDT and defendant OGANNES BABELYAN, by and through his
 counsel of record, ED TOLMAS, hereby file a joint report regard-
 the case status, and stipulate as follows:

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Received at: 2:56PM, 11/17/2005

11/17/2005 14:07 2136241943

BERGER, MICHELENA &

PAGE 03

1 1. At the time defendant's sentencing the court inquired of
2 defendant as to whether had a preference as regards a facility of
3 incarceration. Defendant voiced no preference but has since in-
4 vestigated his options and now has a preference.

5 2. Generally, the Bureau of Prisons does not assign a def-
6 endant a registration number until a week-to-10 days prior to
7 surrender, leaving little time to attempt placement and request
8 to the custodial facility.

9 3. It was stated at the time of sentencing that the defend-
10 ant has been medically diagnosed as a diabetic.

11 4. Deputy probation officer TERENCE SHELBONDY has been made
12 aware of defendant's request of continuance of surrender date and
13 has stated he absolutely has no opposition to such continuance.

14 5. Assistant United States attorney DANIEL S. LINHARDT has
15 been made aware of said request and has no opposition to a con-
16 tinuance of a period of 2 weeks for defendant's custodial surr-
17 ender.

18 6. The proposed continuance date is December 2, 2005 (a
19 period of 2 weeks)

20 7. All other previous court orders regarding sentencing
21 shall remain in full force and effect.

22 8. There have been no previous requests for a continuation
23 of the custodial surrender of the defendant, and the parties
24 hereto make this first request.

25 IT IS SO STIPULATED:

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11/17/2005 14:57 2136241923

BERGER, MICHELENA &

PAGE 04

Respectfully submitted,

Dated: November 17, 2005.

DANIEL S. LINHARDT

DANIEL S. LINHARDT *by permission*
Assistant United States Attorney

Dated: November 17, 2005.

Ed Tolmas

ED TOLMAS
Attorney for defendant
OGANNES BABELYAN

ORDER

BASED UPON THE FOREGOING, IT IS SO FOUND AND ORDERED THIS 18th day of
November, 2005.

Ed J. Garcia

HONORABLE EDWARD J. GARCIA
(Senior) United States District Judge